

VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES
AUGUST 13, 1996

TIME AND PLACE: The meeting was called to order at 8:35 a.m. on Tuesday, August 13, 1996 at the Department of Health Professions, Conference Room 2.

PRESIDING OFFICER: Randy F. Pinkleton, DVM

MEMBERS PRESENT: Eugene E. Musselman, DVM
Patrice Randall
Jennifer S. Alden-Tassin, LVT
Helen M. Poland, DVM
William A. Truban, VMD
Lewis N. Springer, DVM

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director
Terri H. Behr, Administrative Assistant
Howard M. Casway, Assistant Attorney General

OTHERS PRESENT: Barbara Andres

QUORUM: With seven members of the Board present, a quorum was established.

NEW MEMBER: Dr. Pinkleton welcomed Dr. Springer to the Board and asked everyone to introduce themselves.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Poland, the Board voted unanimously to approve the minutes of the meetings of May 14, 1996 and June 11, 1996 as presented.

ENFORCEMENT: Faye Lemon, Director of Enforcement and Gary Anderson, Probation and Enforcement Director addressed the Board regarding the investigative process and the inspection program.

EXECUTIVE SESSION: On properly seconded motion by Dr. Poland, the Board voted unanimously to recess open session and immediately reconvene in executive session pursuant to §2.1-344(A) (15) of the Code of Virginia (1950), as amended, for the purpose of deliberations regarding approval of

consent orders and §2.1-344(A)(7) for the purpose of consultation with legal counsel regarding reinstatement of licenses and requests for endorsement.

OPEN SESSION:

On properly seconded motion by Dr. Musselman, the Board recessed executive session and reconvened in open session and unanimously voted to certify that, to the best of each members' knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous executive meeting and (II) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

APPROVAL OF CONSENT ORDERS: On properly seconded motion by Dr. Poland, the Board voted unanimously to accept the Consent Order of Michael B. Hall, DVM.

On properly seconded motion by Dr. Musselman, the Board voted unanimously to accept the Consent Order of Roderick C. Hartwick, DVM.

On properly seconded motion by Dr. Musselman, the Board voted unanimously to accept the Consent Order of Cynthia D. Holmes, LVT.

On properly seconded motion by Dr. Musselman, the Board voted unanimously to reject the Consent Order of Roy R. Smith, DVM because Dr. Smith has made written amendments on the Consent Order which had not been approved by the Informal Conference Committee.

WAIVERS OF CCT/NBE:

On properly seconded motion by Dr. Musselman, the Board voted unanimously to deny the request of Marvin J. Cain, DVM to have the National Board Examination and the Clinical Competency Test waived. The Board has reason to believe that Dr.

Cain did not answer all the questions on his application truthfully regarding disciplinary action in other states. They requested that Dr. Cain come before an informal conference committee if he wishes to seek licensure.

On properly seconded motion by Dr. Truban, the Board voted unanimously to grant the request of **Michael E.H. Rose, DVM** to have the NBE waived.

On properly seconded motion by Dr. Musselman, the Board voted unanimously to grant the request of **Jodi L. Ickes** (technician) to have the NBE waived.

REINSTATEMENT REQUESTS:

On properly seconded motion by Dr. Musselman, the Board voted unanimously to deny the request of **Cynthia C. Purvis**, a veterinary technician, to have her license reinstated as she failed to demonstrate continued clinical competency. Ms. Purvis can demonstrate her clinical competency by retaking the National Board Examination.

On properly seconded motion by Dr. Poland, the Board voted to table the request of **Sophia Swyschuk** to have her license reinstated until more information can be obtained as to her clinical competency and what her duties are at the Alexandria Animal Hospital.

C.E. QUESTION:

The Board discussed a letter from a veterinary technician asking about taking a C.E. course which gives 25 hours of C.E. credits. The technicians asked if she could use those credits towards the next two years of her C.E. requirement. The Board determined that licensees must take C.E. annually even if they exceed the amount needed for one year. C.E. credits cannot be carried over.

EXECUTIVE SESSION:

On properly seconded motion by Dr. Musselman, the Board voted

unanimously to recess open session and immediately reconvene in executive session pursuant to §2.1-244(A)(7) of the Code of Virginia (1950), as amended, for the purpose of consultation with legal counsel regarding the use of the term "specialist" or "specialty" in naming facilities and in advertising.

OPEN SESSION:

On properly seconded motion by Dr. Poland, the Board recessed executive session and reconvened in open session and unanimously voted to certify that, to the best of each members' knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous executive meeting and (II) only such public business matters as were identified in the motion convening the executive meeting were heard, discusses or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

USE OF TERM "SPECIALIST":

The Board discussed the use of the term "specialist" in general for use in the name of an animal facility. If a facility is using the name "specialist" or "specialty" in its name and has no Board certified specialist on staff, the Board interprets this to be false and misleading advertising and a subjective claim to superiority.

PRESIDENT'S REPORT:

Dr. Pinkleton reported on his trip to the AVMA convention in Louisville, KY. He reported that one of the things that was discussed was that states should be aware of the number of ways that people can cheat on examinations and can record when Board's are in executive session.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter re-visited the proposal to eliminate the jurisprudence examination for licensure for veterinarians and veterinary technicians. On properly seconded motion by Dr. Poland, the Board voted unanimously to eliminate the

jurisprudence examination for licensure and in its place have applicants for licensure sign a notarized statement that they have read, understand and will abide by the regulations.

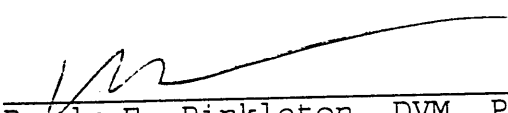
REGULATORY REVIEW

Dr. Carter informed the Board that 2 written comments were received regarding regulatory changes. One concerned a request to more fully define the duties that a licensed veterinary technician can perform and what duties a non-licensed assistant can perform. In answer to this comment, Dr. Pinkleton appointed Jennifer Alden-Tassin and Dr. Musselman to a committee to determine what the duties of licensed and non-licensed technicians should be. This committee will meet on September 16, 1996.

The other comment concerned large animal practitioners not being able to utilize applicants with temporary licenses because they must have direct on-premises supervision of a licensed veterinarian. Dr. Carter stated that this concern would be eliminated with the elimination of the jurisprudence examination.

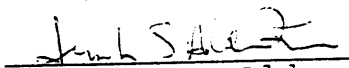
MEETING ADJOURNED:

On properly seconded motion by Dr. Musselman, the meeting was adjourned at 11:38 a.m.




Randy F. Pinkleton, DVM, President

10/8/96



Jennifer S. Alden-Tassin, LVT, Secretary



Elizabeth A. Carter, Ph.D., Executive Director